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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

FLORES LUIS FRANCO

: DOCKET NO. 10-367
SECTION "P"

VS.

: JUDGE MINALDI

PHILLIP MILLER

: MAGISTRATE JUDGE KAY

JUDGMENT

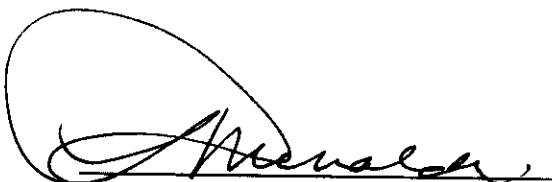
For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after an independent review of the record, and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law; it is

ORDERED that Respondent's Motion to Dismiss be GRANTED.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus be DISMISSED WITHOUT PREJUDICE.

THUS DONE AND SIGNED, in Chambers, at Lake Charles, Louisiana, this 8 day of

Sept, 2010.



PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE